

JFW DAC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Tarmo HYTTINEN

Serial No.: 10/749,872

Examiner: Boris Pesin

Filed: December 31, 2003

Group Art Unit: 2174

For: LOG SYSTEM FOR CALENDAR ALARMS

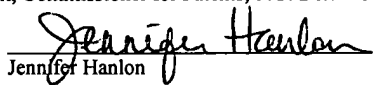
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER RULE 1.181**

Dear Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Jennifer HanlonDated: 21-July-09

This is a Petition under 37 C.F.R. 1.181(a) to withdraw a holding of abandonment.

On June 11, 2009, applicant's attorney received a Notice of Abandonment in this case, which was mailed on June 8, 2009. A review of the USPTO's PAIR system on June 11, 2009 indicated that a Notice of Non-Compliant Amendment had been mailed on April 16, 2008. However, only the USPTO cover page and the second page containing a header reading "Notice of Non-Compliant Amendment" are currently available on the PAIR System. No "Continuation Sheet(s)" showing the details of non-compliance are available on the PAIR System. A search of our files indicated that we had never received the Notice of Non-Compliant Amendment of April 16, 2008.

The undersigned attorney spoke with Examiner Pesin on June 15, 2009, and informed him that the Notice of Non-Compliant Amendment of April 16, 2008 was never received by the undersigned. On June 16, 2009, we received a copy via facsimile of the Notice of Non-Compliant Amendment in its entirety from Examiner Boris Pesin.

An amendment responsive to the Notice of Non-Compliant Amendment of April 16, 2008 is enclosed.

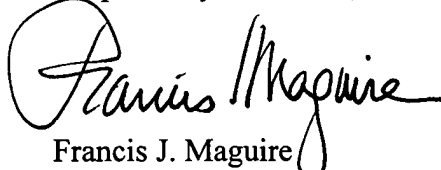
Also enclosed with this Petition is a Declaration of Patricia Zablocky evidencing that a review of our daily mail lists for the period April 17, 2008 through April 28, 2008 has been made and based on that review, it appears that the Notice of Non-Compliant Amendment was never received in our office. This conclusion is made because the daily mail list contains all of the incoming mail received from the U.S. Postal Service and the lists for the period in question do not include any indication that anything was ever received for the subject patent application under our Docket No. 915-008.018. Our mail list is organized using our docket numbers instead of the U.S. Patent and Trademark Office's serial numbers. Our docket number corresponding to Serial No. 10/749,872 is 915-008.018. The Declaration of Patricia Zablocky also evidences that the Notice of Non-Compliant Amendment was never received by virtue of the fact that it was never docketed. The master docket sheet for the firm submitted by her as evidence clearly show the absence of any

reference to the case number 915-008.018 in the Task/Deadlines or Reminders sections on May 16, 2008 which would normally have appeared on our docket sheet if the Notice of Non-Compliant Amendment had been received. Normally, we would have had a Task/Deadline on May 16 for that case to indicate that a response to a Notice of Non-Compliant Amendment was due.

Also enclosed with this petition is a Declaration by Suzanne Verespej, who is no longer in our employ, evidencing that no Office Action for the case number 915-008.018 was received on April 18, 2008 which is the day that Suzanne handled the mail list for Ware, Fressola, Van Der Sluys & Adolphson LLP.

Therefore, it is believed that the Notice of Non-Compliant Amendment was never received and it is requested that this Rule 181 petition be granted. In the unlikely event the Rule 181 petition cannot for good and sufficient reason be granted, it is requested in the alternative that this paper be considered a petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) since the entire delay was unintentional. Our Deposit Account No. 23-0442 may in that event be used to pay any fee required under Rule 17(m).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is written in a cursive, flowing style with a large initial "F".

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/jh
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